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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,200	12/23/1999	Yuval Bachrach	42390.P7291	7140

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EXAMINER

VO, TIM T

ART UNIT PAPER NUMBER

2189

8

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/471,200	BACHRACH, YUVAL	
Examiner	Art Unit		
Tim T. Vo	2189		

-- The MAILING DATE of this communication app ars on the cover sh et with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 March 2003 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-15 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6)  Other: \_\_\_\_\_ .

### **Response to Arguments**

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The previous reference does not disclose "a register to store a pointer to a memory location so as to provide identification information about the PHY".

## **Part III DETAILED ACTION**

### ***Notice to Applicant(s)***

This application has been examined. Claims 1-15 are pending.

### ***Claim Objections***

2. Independent claims 1, 3, 5, and 9 are objected because of the phrases "PHY" and "MAC". They should spell out first time they have been introduced in the independent form.
3. Claims 13-14 are objected because of the phrase "BIOS". It should spell.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Arnett et al. "Inside TCP/IP" second edition 1995 referred hereinafter "Arnett".

As for claims 1-4, Arnett teaches a PHY to provide data to a MAC via PHY-to-MAC words and to receive data and commands from the MAC via MAC-to-PHY words (see page 16 to page 17, wherein the seven layers of the OSI communications models comprising physical layer (PHY) and data link layer (MAC), wherein the physical layer provides physical hardware information which is built into the hardware by the manufacturer, the information comprises Ethernet address, vendor code as disclosed in figure 2.7 page 61, wherein the Ethernet address is arranged in bytes. The data link layer communicates with the physical layer and collects bits and handles data as packet), the PHY comprising:

at least one PHY-to-MAC port to provide signals indicative of the PHY-to-MAC words (see figure 5.14 and pages 137-138, wherein the example provided in figure 5.14 discloses the workstation (126.10.21) wants to communicate with Host 1 (126.20.1.5). To compose the frame at the data link layer, the TCP/IP software needs the hardware addresses, also known as the Data Link Control (DLC) address or Media Access Control (MAC) address of Host 1. As discussed above, each device on a network provides physical hardware information which includes Ethernet address. Therefore, the Host 1 also contains Ethernet address, wherein this layer is called physical layer (PHY);

at least one MAC-to-PHY port to receive signals indicative of the MAC-to-PHY words (see pages 137-138, wherein the sending device sends an Address Resolution

Request (ARP) request to the Ethernet broadcast address as disclosed in figure 2.8 and page 61. The Host 1 and among other devices compares the ARP with the Ethernet destination address);

a register to store a pointer to a memory location so as to provide information about the PHY (see page 16 to page 17, wherein the seven layers of the OSI communications models comprising physical layer (PHY) and data link layer (MAC), wherein the physical layer provides physical hardware information which is built into the hardware by the manufacture, the information comprises Ethernet address, vendor code as discloses in figure 2.7 page 61, wherein the Ethernet address is arranged in bytes. The data link layer communicates with the physical layer and collects bits and handles data as packet).

As for claims 5 and 9, Arnett teaches a chipset comprising:

a MAC to provide data and commands to a PHY via MAC-to-PHY words and to receive data from the PHY via PHY-to-MAC words (see page 16 to page 17, wherein the seven layers of the OSI communications models comprising physical layer (PHY) and data link layer (MAC), wherein the physical layer provides physical hardware information which is built into the hardware by the manufacture, the information comprises Ethernet address, vendor code as discloses in figure 2.7 page 61, wherein the Ethernet address is arranged in bytes. The data link layer communicates with the physical layer and collects bits and handles data as packet. Further see figure 5.14 and pages 137-138, wherein the example provided in figure 5.14 discloses the workstation (126.10.21) wants to communicate with Host 1 (126.20.1.5). To compose the frame at

the data link layer, the TCP/IP software needs the hardware addresses, also known as the Data Link Control (DLC) address or Media Access Control (MAC) address of Host 1), the MAC comprising:

at least one MAC-to-PHY port to provide signals indicative of the MAC-to-PHY words (see figure 5.14 and pages 137-138, wherein the example provided in figure 5.14 discloses the workstation (126.10.21) wants to communicate with Host 1 (126.20.1.5). To compose the frame at the data link layer, the TCP/IP software needs the hardware addresses, also known as the Data Link Control (DLC) address or Media Access Control (MAC) address of Host 1);

at least one PHY-to-MAC port to receive signals indicative of the PHY-to-MAC words, wherein the at least one PHY-to-MAC port receives a signal indicative of pointer to a memory location so as to provide identification information about the PHY (see pages 137-138, wherein the sending device sends an Address Resolution Request (ARP) request to the Ethernet broadcast address as disclosed in figure 2.8 and page

61. The Host 1 and among other devices compares the ARP with the Ethernet destination address. As discussed above, each devices on a network provides physical hardware information which includes Ethernet address. Therefore, the Host 1 also contains Ethernet address, wherein this layer is called physical layer (PHY)).

As for claims 6-8, Arnett teaches at least one Rest/Sync port to provide a signal to synchronize the PHY-to-MAC words and MAC-to-PHY words into pairs, wherein a pair comprises one MAC-to-PHY word and one PHY-to-MAC word (see page 12 under synchronization).

As for claims 10-15, Arnett teaches a network comprising workstation, hosts, bridge and router, wherein is a workstation comprises a register to store identification, a processor, a system memory, a BIOS as disclosed in figure 5.14 page 137.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 703-308-5862. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.



Tim T. Vo  
Examiner  
Art Unit 2189

T.V  
May 12, 2003